

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CONNELL FOLEY LLP
Brendan Judge, Esq.
85 Livingston Avenue
Roseland, New Jersey 07068
(973) 535-0500
Attorneys for Commerce Bank, N.A.

PHILADELPHIA PRODUCE CREDIT
BUREAU,

Plaintiff,

v.

PRUSCINO BROS. PRODUCE, INC. et al.

Defendants.

CIVIL ACTION NO. 07-6074 (MLC)

**CONSENT ORDER ON
ORDER TO SHOW CAUSE**

THIS MATTER, having come before the Court on an Order To Show Cause entered on May 14, 2008, requiring Commerce Bank, N.A. ("Commerce Bank") to show cause why it should not be enjoined under Federal Rule of Civil Procedure 65(a) and/or found in contempt of the existing preliminary injunction, and an order entered requiring it to:

- (1) disgorge the \$489 it deducted from the Receiver Account of Pruscino Bros. Produce, Inc. (Account No. 786682698) between February 21, 2008 and April 21, 2008;
- (2) refrain from deducting any further amounts from the Receiver Account of Pruscino Bros. Produce, Inc.; and
- (3) refrain from taking any future actions against Pruscino Bros. Produce, Inc.


AND THE COURT having been advised that Commerce Bank has been served with a copy of this Court's Corrected Order Granting Preliminary Injunction And Appointing Receiver entered April 15, 2008;

AND THE COURT having been further advised that counsel for the Receiver, Kenneth C. Marano, Esq. and counsel for Commerce Bank, Brendan Judge, Esq. of Connell Foley LLP, have agreed to the form and entry of this Order;

IT IS on this 30th day of May, 2008,

ORDERED as follows:

- (1) Commerce Bank shall disgorge to the Receiver the \$489 it deducted from the Receiver Account of Pruscino Bros. Produce, Inc.;
- (2) Absent further Order of this Court, Commerce Bank shall refrain from deducting any further amounts from the Receiver Account of Pruscino Bros. Produce, Inc.; and
- (3) Absent further Order of this Court, Commerce Bank shall comply with this Court's Corrected Order Granting Preliminary Injunction and Appointing Receiver entered April 15, 2008.


Mary L. Cooper, U.S.D.J.

The undersigned counsel
consent to the form and entry
of this Consent Order

KENNETH C. MARANO, ESQ.
Attorney for Receiver

CONNELL FOLEY, LLP
Attorneys for Commerce Bank, N.A.

By: s/Kenneth C. Marano
Kenneth C. Marano

By: 
Brendan Judge